

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION
INTER-OFFICE MEMO**

July 29, 2011

TO: Rosemary Booth Gallogly

DEPT: Department of Revenue

FROM: Walter Craddock, Esq. Chairman

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the Board on Thursday,

July 28, 2011. Board members: Walter Craddock, Esq., Dennis Gerstmeyer, James Botvin, Thomas Celona and Sgt. David Doucet of the Rhode Island State Police.

Also be advised the following people were present during the hearing: Michael Vispo

Marcy Coleman, Esq., Division of Legal Services.

MEETING OF JULY 28, 2011 AT 9:00 AM AT THE

**DIVISION OF MOTOR VEHICLES –3RD. FLOOR, CONFERENCE
ROOM,
600 NEW LONDON AVENUE, CRANSTON, RI 02920**

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE: JUNE 23,
2011
BOARD HEARING.**

Minutes have been reviewed and accepted by the board.

**2. DEALERS' LICENSE & REGULATIONS OFFICE V FRENCHTOWN
AUTO SALES (William McDonough, Owner)
SHOW CAUSE HEARING – CASE # KR-11-135**

Sgt. David Doucet recused himself from this hearing.

**Decision: The Board has fined Frenchtown Auto Sales \$2500.00,
upon determining that they are in violation of RI General Law
§31-5-11(10), having indulged in unconscionable practices relating to
business as a motor vehicle dealer.**

**The Board has ordered a suspension of the dealer license for 1 week
after which the dealer will submit copies of all bills of sales in
sequential order, to include voided and cancelled bills of sales, every
90 days for the period of one year for review.**

Page 1 of 3

PAGE 2 OF 3

HEARING RESULTS

JULY 28, 2011

**3. AFC AUTO SALES & COLLISION, INC. (Robert Medeiros, Pres.)
FIRST APPLICATION – CASE # KR-11-176
TO DEAL IN USED MOTOR VEHICLES ONLY
AT: 295 WATERMAN AVENUE, SMITFIELD, RI 02917**

Decision: The application has been approved by the board and three dealer plates have been granted.

**4. CAPRICE AUTO SALES, INC d/b/a HI TECH AUTO SALES AND RENTALS (Shawn Tran, Pres.)
REQUEST TO BE REINSTATED FOR TEMPORARY PLATES – CASE #
DS-11- 011**

2ND RESCHEDULED HEARING

Sgt. David Doucet has recused himself from this hearing.

Decision: The Board has granted Hi Tech Auto Sales and Rentals permission to purchase and sell temporary plates. The dealership must submit documentation for all temp plates sold to the Dealers License and Regulations Office every three months for one year as well as submitting the temporary plate receipts continuously.

5. SANTO N. LOMBARDI V FLOOD FORD OF EAST GREENWICH (Michael Flood, Pres)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-11-056

Postponed at the request of Mark Welch, Esq., attorney for Flood Ford of East Greenwich.

6. EMERY LAFRENIERE V ROUTE 3 AUTO SALES, INC (Niss Lev, VP)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-11-161

Postponed at the request of Seth Perlmutter, Esq., attorney for Route 3 Auto Sales.

7. CHRISTINE DE RENSIS V FIRST CHOICE AUTO SALES, LLC (Raul De La Cruz, Member)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-11-119

Decision: The Board has determined that First Choice Auto Sales LLC is in violation of the following Rhode Island Rules and Regulations and is required to pay the amounts listed below which total \$1,400.00, to the Rhode Island Dealers License and Regulations Office within 10 days of receiving the formal decision.

Fine: \$50.00: Violation of RI Rules and Regulations Section VII (E): Lack of information on the bill of sale relating to safety inspection requirements.

PAGE 3 OF 3

HEARING RESULTS

JULY 28, 2011

Fine: \$850.00: (17 violations x \$50.00 per violation) Violation of RI Rules and Regulations Section VI (L): Allowing a non-employee to act as an agent of the dealership.

Fine: \$500.00 Violation of RI Rules and Regulations Section VII (G3): Failed to notify the first retail buyer that the vehicle was salvaged.

The Board has ordered the dealership to buy back the vehicle for the amount of \$2500.00 as a result of the violation of RI Rules and Regulations Section VII (G3).

8. DOUG GUITARR V IANNOTTI BROS SELEC CARS (Ronald Iannotti, Partner)

COMPAINT / SHOW CAUSE HEARING – CASE # DS-11-146

Decision: The Board has determined that Iannotti Bros. Select Cars is in violation of Rhode General Law §31-38-1(b), all vehicles sold by a dealership must have a new RI inspection sticker. Therefore the Board orders the dealership to buy back the vehicle for the price of \$4266.50, which includes the original price of the vehicle of \$3950.00 and a tow charge of \$316.50.

Walter Craddock, Esq. Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Michael Vispo, Manager DMV

Marcy Coleman, Esq., Division of Legal Services, DOA

File